

II. REMARKS

In the Office Action, claim 15 was allowed, and claims 3 and 7 were said to contain allowable subject matter.

Claims 1-2, 4-6, 8, and 10-14 were rejected under 35 U.S.C. 103 as being unpatentable over Eichinger (US 6,370,374) in view of Ogasawara (US Pub. 20020016740) for reasons set forth in the Action. Claim 9 was rejected under 35 U.S.C. 103 as being unpatentable over Eichinger in view of Ogasawara and Hayek (US 6,224,254) for reasons set forth in the Action.

The rejected claims are believed to be allowable over the teachings of the foregoing references in view of the following argument.

The cited reference, Eichinger, discloses a mobile radio telephone terminal for communication (voice and data transmission) via mobile radio telephone network in which at least one access number (A) to a telecommunication network service (such as a calling card service) and a corresponding personal identification number (B) are stored. The mobile radio telephone terminal provides and transmits the access number (A) and the personal identification number (B) after an already-effected authentication to the mobile radio telephone network for communication establishment (abstract).

Ogasawara discloses an electronic shopping system, providing for customer recognition using wireless identification and visual

data transmission to point-of-sale terminals and other terminal types located in a commercial establishment. A customer's visual image is taken as a customer enters the establishment and that customer's identification number is obtained from a customer identification card, if the customer possesses such a card. The visual image data is bundled with the customer's demographic profile data, transaction history data and the customer's current accrued store loyalty or incentive points into a customer data record.

The customer data record is forwarded to point-of-sale terminals, store workstations, mobile terminals, or other I/O devices, capable of displaying multiple customer records. The establishment staff is able to access each of the customer records in order to visually identify customers as they enter the establishment, without the customers needing to announce themselves or otherwise advertise their presence. A customer's visual image can also be acquired as a customer accesses a check-in kiosk terminal prior to beginning a shopping excursion. The acquired customer visual image is bundled with customer preference data and made available to the establishment's staff for visual recognition of each individual customer (abstract). A customer ID card and credit card are disclosed (page 5, paragraph 0039).

The examiner bases his rejection on a combination of the foregoing teachings of Eichinger and Ogasawara, and in the case of claim 9, also on the teachings of Hayek. However, Eichinger does not relate to transmitting user identification data in wireless manner. It relates to mobile terminals which have a wireless SIM card and the user identification data is read from the SIM card (column 4, lines 38-40). Ogasawara provides no

specific teaching with respect to a finding out of the access rights of the user of the wireless communication device (1), as is called for by present claim 1. Ogasawara relates to accessing an electronic shopping system service.

Accessing a service by an access code is a different matter compared to accessing a wireless device, as by use of a pin code.

Furthermore, it is noted that the teaching of Ogasawara is directed to the interrogation of a customer entering a business establishment, wherein the interrogation is accomplished by having the customer carry a card capable of electronically transmitting data to receiving apparatus located alongside a passage via which a customer enters the establishment. The received data is then forwarded to various locations in the establishment to be employed in the conduct of business.

For the purposes of the present invention, Ogasawara merely teaches that the technology for transmission of personal data about a person, and the reception of the data is known. There is no suggestion in either of Ogasawara or Eichinger for employing the Ogasawara technology in conjunction with the system of Eichinger.

It is noted that present claim 1 specifically calls for a starting of the wireless communication device (1), and an examination of the stored user data to find the access rights of the user of the wireless communication device. Claim 1 further states that this is accomplished by the transmission of the user data at least partly in a wireless manner from the user data identification module (2) to the wireless communication device (1).

Thus, it is apparent that present claim 1 calls for a finding of access rights of the user of the wireless communication device (1), and not a service.

The foregoing cited art does not teach or suggest the foregoing aspects of the present invention.

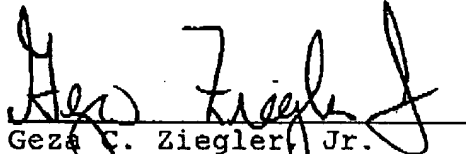
A significant advantage of the present invention compared to the teachings of both references, considered individually or in combination, is that more than one wireless communication device can simultaneously read the user identification data from the identification module, wherein the user can use these different wireless communication devices even simultaneously (present specification on page 3, at line 35, to page 4 at line 1). By use of the present invention, it is also possible to prevent unauthorized use of a wireless communication device, such as in situations in which the wireless communication device is stolen (page 4 lines 7- 10).

Therefore, the foregoing argument is believed to overcome the rejections under 35 U.S.C. 103.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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